
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, JUNE 7, 2017.

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JOURNAL OF THE HOUSE.

Wednesday, June 7, 2017.

Met according to adjournment at eleven o'clock A.M., with Mrs. Haddad of Somerset in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

God of Warmth and Bright Days, we pray for both pleasures as we have long endured cold, damp days. We pray that Your spirit of warmth permeate our House chambers and within all its members.

Prayer.

On this day that we look to the south and west for sunshine, we pray also for the small corner town of southwest Massachusetts – Mount Washington. It is the third smallest town in population. In May of 1853, the Massachusetts Legislature ceded a section of Mount Washington's original boundary to New York state because its geographical isolation from the rest of Massachusetts made maintaining law and order difficult.

We pray also for Mount Washington's elected member of the House, Fourth Berkshire District Representative Pignatelli and his staff.

May God continue to bless our Commonwealth.

At the request of the Chair (Mrs. Haddad), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Crighton of Lynn.

A statement of Mr. Rushing of Boston concerning Mr. Crighton of Lynn was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Crighton of Lynn, is unable to be present in the House Chamber for today's sitting because he is on official business outside of the Commonwealth. His missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Mr. Crighton
of Lynn.

Statement of Representative Michlewitz of Boston.

A statement of Mr. Michlewitz of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday, May 10, 2017. On that day the House took up the matter of House Bill 3680, An Act establishing the Massachusetts pregnant workers fairness act. If I had been present I would have supported this legislation and voted in the affirmative. My missing of roll calls on May 10 was due entirely to the reason stated.

Statement of
Mr. Michlewitz
of Boston.

Statement of Representative Walsh of Framingham.

A statement of Representative Walsh of Framingham was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I am unable to be present in the House Chamber for today's sitting due to the fact that I will be undergoing chemotherapy treatment at Dana Faber this week. The current scheduling of the treatments does not permit me to be present at this particular formal session. My missing of roll calls today is due entirely to the reason stated.

Statement of
Mr. Walsh
of Framingham.

Distinguished Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess, and introduced the 8th Secretary General of the United Nations, Ban Ki-moon, who addressed the House briefly. Ban Ki-moon served as the Secretary General of the U.N from 2007 to 2016. Prior to becoming Secretary-General, he served as the Republic of Korea's foreign minister. He is currently in the Boston area as a Global Public Leaders Fellow at the Harvard Kennedy School, from which he also received an MPA. He was joined by the Republic of Korea's Deputy Consul General, Kwon Songhwon. They were the guests of Representative Ehrlich of Marblehead.

8th Secretary
General of the
United Nations,
Ban Ki-moon.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Hill of Ipswich) congratulating John A. Carlson on receiving the Eagle Award of the Boy Scouts of America;

John
Carlson.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Michael Galli on receiving the Eagle Award of the Boy Scouts of America;

Michael
Galli.

Resolutions (filed by Mr. Hill of Ipswich) congratulating James P. Usovicz on receiving the Eagle Award of the Boy Scouts of America;

James
Usovicz.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Ben Wolsieffer on receiving the Eagle Award of the Boy Scouts of America; and

Ben
Wolsieffer.

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Gary Ostrow on receiving the National Outstanding Eagle Scout Award;

Gary
Ostrow.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Kafka, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Arciero of Westford and Senator Donoghue, a joint petition (accompanied by bill, House, No. 3737) of James Arciero and Eileen M. Donoghue (by vote of the town) that the town of Westford be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises;

Westford,—
liquor
license.

By Representative Arciero of Westford, and Senator Donoghue, a joint petition (accompanied by bill, House, No. 3738) of James Arciero and Eileen M. Donoghue (by vote of the town) that the town of Westford be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises; and

Id.

By Representative Frost of Auburn and Senator Moore, a joint petition (accompanied by bill, House, No. 3739) of Paul K. Frost and Michael O. Moore (by vote of the town) that the town of Millbury be authorized to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises;

Millbury,—
liquor
license.

Severally to the committee on Consumer Protection and Professional Licensure.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Crighton of Lynn, a petition (subject to Joint Rule 12) of Brendan P. Crighton for an investigation by a special commission (including members of the General Court) relative to the feasibility of a taxi driver license database.

Taxi
database
commission.

By Mr. Cutler of Duxbury, a petition (subject to Joint Rule 12) of Josh S. Cutler and others for legislation to designate a certain bridge in the town of Hanson as the Honorable Charles W. Mann bridge.

Hanson,—
Mann
bridge.

By Mr. Moran of Boston (by request), a petition (subject to Joint Rule 12) of Casandra Xavier relative to disability awareness training for certain state employees.

Employees,—
disability
training.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The House Bill authorizing the city of Chicopee to lease a certain building (House, No. 2781, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 2, inserting after the word: “contrary”, the following: “but subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws”. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Chicopee,—
building
lease.

Bills

Authorizing the town of Warren to continue the employment of Dennis Desrosiers (Senate, No. 1420) (on a petition) [Local Approval Received];

Dennis
Desrosiers.

Exempting certain positions in the police department of the town of Millis from the civil service law (Senate, No. 1452) (on a petition) [Local Approval Received];

Millis,—
police.

Validating actions taken by the town of Templeton at the special town meeting held on November 9, 2015 (printed in Senate, No. 2064, changed in section 1, in line 2, by striking out the word “annual” and inserting in place thereof the word “special”) (on a message from His Excellency the Governor); and

Templeton,—
special town
meeting.

Validating actions taken by the town of Templeton at the annual town meeting held on May 14, 2016 (printed in Senate, No. 2065) (on a message from His Excellency the Governor);

Templeton,—
annual town
meeting.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of James M. Cantwell, Patrick M. O'Connor and others relative to civil liability for improper flood hazard determinations. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Sent to the Senate for concurrence.

Flood
hazards,—
liability.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to the waiver of a certain provision of the Methuen home rule charter (House, No. 3674) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Methuen,—
charter.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill authorizing the town of Leyden to continue employment of police chief Daniel J. Galvis (House, No. 3449) [Local Approval Received].

Leyden,—
Daniel
Galvis.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Justin Michael Rizzo, an employee of the Massachusetts Department of Labor Standards (House, No. 3720).

Justin
Rizzo,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Richard Capone an employee of the Mass Department of Transportation [sic] (House, No. 3722).

Richard
Capone,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Philippe Fauche, an employee of the Department of Mental Health (House, No. 3723).

Philippe
Fauche,—
sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Dean Canada, an employee of the Department of Correction (see Senate, No. 2073), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Dean
Canada,—
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill authorizing the city of Somerville to borrow funds to pay certain costs of the Green Line Extension (see Senate, No. 1139) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recess.

At eleven minutes after eleven o'clock A.M., on motion of Mr. Kafka of Stoughton (Mrs. Haddad of Somerset being in the Chair), the House recessed until one o'clock P.M.; and at thirteen minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

Papers from the Senate.

Mr. Donato of Medford being in the Chair,—

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2082) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to establish a sick leave bank for Jason Wendover, an employee of the Department of Correction;

Jason
Wendover,—
sick leave.

Petition (accompanied by bill, Senate, No. 2083) of Anne M. Gobi and Donald R. Berthiaume, Jr. for legislation to establish a sick leave bank for Laurie Wendover, an employee of the Department of Correction; and

Laurie
Wendover,—
sick leave.

Petition (accompanied by bill, Senate, No. 2084) Anne M. Gobi and Jonathan D. Zlotnik for legislation to establish a sick leave bank for Sarah Chaplin, an employee of the Department of Correction;

Sarah
Chaplin,—
sick leave.

Severally to the committee on Public Service.

Reports of Committees.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill for language opportunity for our kids (House, No. 3705), ought to pass with an amendment substituting therefor a Bill relative to language opportunity for our kids (House, No. 3736). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Language
opportunity.

Mr. Murphy of Weymouth, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Cabral of New Bedford and other members of the House moved to amend it by inserting after section 25 the following section:

“SECTION 25A. Section 2 of chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 25-29, the third sentence and inserting in place thereof the following sentence:— Sheltered English immersion may include use of the native language to support and scaffold the student’s learning.”.

After remarks the amendment was rejected.

The same member and other members of the House then moved to amend the

bill in section 7, in line 38, by inserting before the word “or” the words “, English Language Development (ELD), dual language education, transitional bilingual education”, in line 39, by striking out the word “an” and inserting in place thereof the word “any”; and by inserting after section 25 the following section:

“SECTION 25A. Section 4 of chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 7, the words ‘not normally intended to exceed one school year’.”.

After remarks the amendments were rejected.

After remarks on the question on passing the bill to be engrossed, Representatives Cabral of New Bedford, DuBois of Brockton and Gentile of Sudbury moved to amend it by inserting after section 25 the following section:

“SECTION 25A. Section 3 of chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 5, the word ‘Kindergarten’ and inserting in place thereof the following word: ‘Pre-Kindergarten’.”.

The amendment was adopted.

Mr. Cabral of New Bedford and other members of the House then moved to amend the bill in section 18, in line 91, by adding the words “, provided that written confirmation of any such request is retained in the student’s cumulative folder”; and the amendment was adopted.

The same member and other members of the House then moved to amend the bill in section 19, in line 97, by inserting after the words “parent advisory council” the words “; provided, however, any school district may establish an advisory council pursuant to this section”; and the amendment was adopted.

Mr. Cabral and other members of the House then moved to amend the bill by adding the following section:

“SECTION 27. Section 7A of Chapter 71A of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking the first sentence and replacing it with the following sentence:— ‘The department shall conduct on-site visits to level 1 and 2 school districts at least once every 5 years, and in all other school districts at least once every 3 years, for the purpose of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes.’.”.

The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill by striking out section 25 and inserting in place thereof the following section:

“SECTION 25. There shall be a special commission to investigate and study the current collection and dissemination of school district and statewide data relative to school-age English language learners.

The commission shall consist of 17 members: 2 of whom shall be the house and senate chairs of the joint committee on education, or their designees, who shall serve as the co-chairs; 1 of whom shall be a member of the senate, appointed by the senate president; 1 of whom shall be a member of the house of representatives, appointed by the speaker of the house of representatives; 1 of whom shall be member of the senate, appointed by the minority leader of the senate; 1 of whom shall be a member of the house of representatives, appointed by the minority leader of the house of representatives; 1 of whom shall be the commissioner of the department of elementary and secondary education, or a designee; 1 of whom shall be the executive director of the Massachusetts Association of School Superintendents, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Association of School Committees or a designee; 1 of whom shall be

the executive director of the Massachusetts Elementary School Principals' Association, Inc. or a designee; 1 of whom shall be the executive director of the Massachusetts Secondary School Administrators' Association, Incorporated, or a designee; 1 of whom shall be the executive director of the Massachusetts Administrators of Special Education, Inc., or a designee; 1 of whom shall be representative of the Massachusetts Association of Teachers of Speakers of Other Languages, Inc.; and 4 of whom shall be appointed by the governor: 2 of whom shall be selected from a list of 3 superintendents from school districts serving high concentrations of English language learners nominated by the Massachusetts Association of School Superintendents, Inc. and 2 of whom shall be selected from a list of 3 district-level English language learner directors nominated by the Massachusetts Association of School Superintendents, Inc.

The commission shall: (i) study, review and report on all existing school and district reporting requirements relative to English language learners, including but not limited to annual reporting requirements relative to English language learners as required under section 1I of chapter 69; (ii) consider how current data is collected and used to evaluate English language learner programming and its effectiveness; (iii) review the waiver and parental notification process, and the effectiveness and transparency of district and state reporting relative to English language learners; and (iv) consider improvements to data collection and dissemination relative to English language learners.

The commission may meet with state agencies, parents, guardians, teachers, school administrators, and any person the chairs deem necessary for the purpose of filing its report.

The commission shall file a report containing its finding and any recommendations with the clerks of the house of representatives and the senate not later than February 1, 2018.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 28. The department of elementary and secondary education shall convene a task force to study the feasibility of establishing a State Seal of Biliteracy. The task force shall consist of 14 members: the commissioner of the department of elementary and secondary education, or a designee; the secretary of the executive office of education, or a designee; the house and senate chairs of the joint committee on education, or their designees; 1 member of the senate, appointed by the senate president; 1 member of the house of representatives, appointed by the speaker; 1 member of the senate, appointed by the minority leader; 1 member of the house of representatives, appointed by the minority leader; 1 representative of the Massachusetts Association of Teachers of Speakers of Other Languages; 1 representative of the Massachusetts Association for Bilingual Education; 1 representative of the Massachusetts Foreign Language Association; 1 representative from the Massachusetts Business Alliance for Education; and 2 superintendents, appointed by the Massachusetts Association of School Superintendents, Inc., one of whom shall be from a school district that serves high concentrations of English language learners, and one of whom shall be from a school district that currently operates a program for recognizing students who have attained Biliteracy.

The task force shall examine: (i) criteria or guidelines that would need to be established to award a state Seal of Biliteracy; (ii) the academic benchmarks that would need to be met in order for a student to be awarded such a Seal; (iii) potential costs associated with implementing such a Seal; (iv) the need for any additional

assessments, state or local; and (v) the benefits to students of receiving such a Seal, including English Language Learners as well as native English speakers.

The task force shall file a report containing its finding and any recommendations with the joint committee on education, and the clerks of the house and the senate not later than January 1, 2018.”.

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in section 25 by inserting after the word “designee;” the following:— “; 1 representative of the Massachusetts Teachers Association”; and the amendment was rejected.

Mr. Sánchez of Boston then moved to amend the bill by inserting after section 1 the following section:

“SECTION 1A. Said section 1I of said chapter 69, as so appearing, is hereby further amended by striking out, in the twenty-first paragraph, the last sentence and inserting in place thereof, the following sentence:— The commissioner shall submit annually a report to the joint committee on education on such data on a statewide and school district basis, including, but not limited to, by language group and type of English language learners program and an analysis of the status of English language learners progress in the commonwealth, referencing the data collected in clauses (a) through (n), inclusive, of this section.”.

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Ms. Peisch of Wellesley; and on the roll call 151 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 66 in Supplement.]

Therefore the bill (House, No. 3740, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Mr. Cusack of Braintree was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call because I was on official business in another part of the State House. Had I been present, I would have voted in the affirmative.

Bill passed to
be engrossed,—
yea and nay
No. 66.

Statement of
Mr. Cusack
of Braintree.

Orders of the Day.

House bills

Clarifying occupancy excise and internet hotel room resellers (printed as Senate, No. 1567);

Granting the city of Somerville the authority to require the adoption of institutional master plans subject to the review and approval by the municipality (House, No. 2788);

Designating a certain area in the Dorchester section of the city of Boston in memory of Carl E. Hosea, Jr. (House, No. 2923);

Requiring the hands-free use of mobile telephones while driving (House, No. 3660);

To revise the town of Barnstable sewer regulations (House, No. 3673); and

Authorizing the town of Lincoln to transfer certain landfill property in exchange for dedication of conservation land (House, No. 3692);

Severally were read a second time; and they were ordered to a third reading.

Second
reading
bills.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

At nine minutes before five o'clock P.M., on motion of Ms. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.